



Town of Johnston
State of Rhode Island
Ordinance 2024- 12

AS PROPOSED

**AN ORDINANCE AMENDING CHAPTER 98-24 OF THE
TOWN OF JOHNSTON CODE OF ORDINANCES” ENTITLED “ EXCESSIVE DOG BARKING
ORDINANCE”**

The Town Council of the Town of Johnston hereby ordains:

Article 98-24 of the Town of Johnston Code of Ordinances entitled “Excessive Dog Barking Ordinance”
is hereby amended by adding thereto:

98-24 Excessive Barking; Nuisance

A: Purpose The purpose of this ordinance is to ensure a peaceful and quiet environment for all residents by addressing excessive dog barking within the municipality.

B: Definitions

- 1. Dog:** Any member of the species *Canis lupus familiaris*.
- 2. Owner:** Any person having custody or control of a dog.
- 3. Excessive Barking:** Barking, howling, or yelping that is continuous for a period of ten (10) minutes or intermittent for a period of thirty (30) minutes or more, occurring at least three (3) times within a 24-hour period.
- 4. Public Nuisance:** Any dog that disturbs the peace and quiet of any person by excessive barking as defined above.

C: Prohibited Conduct

1. No owner shall allow their dog to engage in excessive barking.
2. Excessive barking is deemed a public nuisance and is prohibited.

D: Complaints and Investigation

1. Complaints regarding excessive barking shall be submitted in writing to the animal control officer or designated municipal authority.
2. Upon receipt of a complaint, the animal control officer or designee shall investigate the complaint by:
 - a. Visiting the location to observe the barking behavior.
 - b. Contacting the dog owner to discuss the complaint and provide educational materials on reducing barking.

E: Notice of Violation

1. If a violation is observed, or a complainant files evidence of prohibitive conduct, the animal control officer shall issue a written notice to the dog owner detailing the nature of the violation and the required corrective actions.

2. The notice shall provide the owner with a reasonable period, not less than ten (10) days, to correct the behavior.

F: Penalties

1. **First Violation:** Written warning.
2. **Second Violation:** Fine of \$50.
3. **Third Violation and Subsequent Violations:** Fine of \$100 per violation.
4. In cases of continued violations, the municipality may seek injunctive relief from a court of competent jurisdiction.

G: Exceptions

1. Barking resulting from a person trespassing or threatening harm to the dog or its owner.
2. Barking in response to other legitimate threats or disturbances.
3. Dogs participating in a certified working dog program (e.g., search and rescue, police K-9 units).

H: Appeal Process

1. Dog owners may appeal any notice of violation or fine by submitting a written request for a hearing to the municipal authority within ten (10) days of receiving the notice.
2. A hearing shall be scheduled within thirty (30) days of the receipt of the appeal request, and the owner shall have the opportunity to present evidence and testimony.

I: Enforcement

1. This ordinance shall be enforced by the municipal animal control officer or other designated authority.
2. The municipality reserves the right to amend this ordinance as necessary to address community concerns and effectiveness.

J: Severability

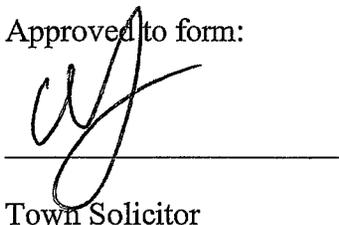
If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

This Ordinance shall take effect immediately upon its passage.



Councilperson

Approved to form:



Town Solicitor